

## UNITED STATES DISTRICT COURT

for the  
Western District of Washington

In the Matter of the Search of )  
 )  
 Information associated with one (1) Target ) Case No. MJ20-149  
 Accounts/Identifiers, for Investigation of 21 )  
 U.S.C. § 841 and Other Offenses )

**APPLICATION FOR A SEARCH WARRANT AND PEN-TRAP ORDER**

I am a federal law enforcement officer or an attorney for the government, request a search warrant and pen-trap order, and state under penalty of perjury that I have reason to believe that on the person or property described in Attachment A, located in: the Western District of Washington, there is now concealed property and evidence described in Attachment B. This Court has authority to issue this warrant under 18 U.S.C. §§ 2703(c)(1)(A) and 2711(3)(A) and Federal Rule of Criminal Procedure 41.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☐ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

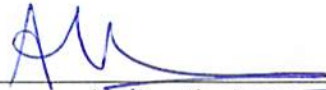
<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 841	Distribution of Controlled Substances
18 U.S.C. § 846	Conspiracy to Distribute Controlled Substances

The application is based on the facts set forth in the attached affidavit, which is incorporated herein by reference with all attachments and exhibits. Pursuant to 18 U.S.C. § 3123(a)(1), Exhibit 1 to the affidavit includes a certification from an attorney from the government that the requested information is relevant to an ongoing criminal investigation.

☒ Delayed notice of 90 days (give exact ending date if more than 30 days: June 30, 2020) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 41, this warrant is presented by:

☒ by reliable electronic means; or ☐ telephonically recorded

  
 Applicant's signature

Aaron McAuley, DEA TFO  
 Printed name and title

☐ The foregoing affidavit was sworn before me and signed in my presence, or  
☒ The above-named officer provided a sworn statement attesting to the truth of the foregoing affidavit by telephone/

Date: April 1, 2020

  
 Judge's signature

City and state: Seattle, Washington

Brian A. Tsuchida, United States Magistrate Judge  
 Printed name and title

STATE OF WASHINGTON           )  
  )           SS  
COUNTY OF KING             )

# INTRODUCTION

a. Target Telephone 3B (hereafter **TT3B**): a cellular telephone assigned call number **206-825-0829**, with service provider is T-Mobile, a wireless telephone service provider headquartered at T-Mobile USA Inc, 4 Sylvan Way, Parsippany, NJ, 07054. The Target Cell Phone is described herein and in Attachment A, and the location information to be seized is described herein and in Attachment B.

2. The Court has jurisdiction to issue the proposed warrant under the Electronic Communications Privacy Act (ECPA), 18 U.S.C. §§ 2701-2713, because it is a “court of competent jurisdiction” as defined in 18 U.S.C. § 2711. Specifically, the Court is in the Western District a district court of the United States that has jurisdiction over the offense being investigated, *see* 18 U.S.C. § 2711(3)(A)(i).

3. Because this warrant seeks the prospective collection of information that falls within the statutory definitions of information collected by a “pen register” and/or “trap and trace device,” *see* 18 U.S.C. § 3127(3) & (4), the requested warrant is designed to comply with the Pen Register Act, 18 U.S.C. §§ 3121-3127.

Affidavit of TFO Aaron McAuley -1  
USAO 2020R00143

1 is a district court of the United States that “has jurisdiction over the offense being  
2 investigated.” 18 U.S.C. § 3127(2)(A)(i).

3 5. This application includes all the information required by the Pen Register  
4 Act. *See* 18 U.S.C. §§ 3122(b) & 3123(a)(1). Namely, Exhibit 1 to this application is a  
5 certification from Assistant United States Attorney Stephen Hobbs that (1) identifies  
6 DEA as the law enforcement agency conducting the investigation and (2) certifies the  
7 information likely to be obtained is relevant to an ongoing criminal investigation being  
8 conducted by that agency. 18 U.S.C. § 3122(b). The Assistant United States Attorney is  
9 an “attorney for the government” as defined in Rule 1(b)(1) of the Federal Rules of  
10 Criminal Procedure.

11 6. A “pen register” is “a device or process which records or decodes dialing,  
12 routing, addressing, or signaling information transmitted by an instrument or facility from  
13 which a wire or electronic communication is transmitted.” 18 U.S.C. § 3127(3). A “trap  
14 and trace device” is “a device or process which captures the incoming electronic or other  
15 impulses which identify the originating number or other dialing, routing, addressing, and  
16 signaling information reasonably likely to identify the source of a wire or electronic  
17 communication.” 18 U.S.C. § 3127(4).

18 7. In the traditional telephone context, pen registers captured the destination  
19 phone numbers of outgoing calls, while trap and trace devices captured the phone  
20 numbers of incoming calls. Similar principles apply to other kinds of wire and electronic  
21 communications such as emails, text messages, connection logs, and data transfers. The  
22 prospective location data sought in this application constitutes “dialing, routing,  
23 addressing, and signaling information” covered by the Pen Register Act. Accordingly,  
24 the requested warrant will record, decode, and/or capture dialing, routing, addressing, and  
25 signaling information associated with the Target Cell Phone without geographic limit.

26 8. The United States further requests, pursuant to 18 U.S.C. §§ 3123(b)(2) and  
27 3124(a)-(b), that the Court order through Attachment B of the requested warrant that T-  
28 Mobile and any other person or entity providing wire or electronic communication  
service in the United States whose assistance may facilitate execution of this warrant

1 furnish, upon service of the warrant, information, facilities, and technical assistance  
2 necessary to install the pen/trap, including installation and operation of the pen-trap  
3 unobtrusively and with minimum disruption of normal service. Any entity providing  
4 such assistance shall be reasonably compensated by the DEA pursuant to 18 U.S.C. §  
5 3124(c), for reasonable expenses incurred in providing facilities and assistance in  
6 furtherance of the warrant.

7 **9. Through this application, the United States does not request and does**  
8 **not seek to obtain the contents of any communications, as defined in 18 U.S.C.**  
9 **§ 2510(8).**

#### 10 **AGENT BACKGROUND**

11 10. I am a commissioned law enforcement officer of the Seattle Police  
12 Department. I am also assigned to the Drug Enforcement Administration (DEA), Seattle  
13 Field Office, as a Task Force Officer (TFO) with DEA Group D-22. I have been  
14 employed by the Seattle Police Department as an Officer for over 13 years and a  
15 narcotics Detective for the last 4 years. I have formal training in controlled substances  
16 investigations to include marijuana, methamphetamine, heroin, MDMA, oxycodone and  
17 cocaine. My duty assignment includes investigating violations of federal and state  
18 controlled substance laws. My law enforcement experience includes my participation in  
19 numerous investigations of organizations trafficking in controlled substances and as a  
20 result, I have an understanding of the manner in which drugs are distributed and the  
21 various roles played by individuals and groups in the distribution. I have participated in  
22 the execution of over a 100 drug search warrants.

23 11. Throughout the course of my training, and in my 12 years of law  
24 enforcement, I have become familiar with the methods of drug trafficking, have  
25 interviewed dozens of suspects and criminal informants, and others familiar with the drug  
26 trade. I am familiar with the appearance, prices, and transport methods of illegal  
27 controlled substances. I have testified in criminal proceedings in State courts relating to  
28 drug possession and trafficking.

12. I am engaged in the investigation of narcotics trafficking with the assistance of federal and local law enforcement. These entities include the Bureau of Alcohol, Tobacco and Firearms and Explosives (ATF), Homeland Security Investigations (HSI), Kent Police Department, Auburn Police Department, Renton police Department, Federal Way police Department and Washington State Patrol.

13. I have written affidavits in support of court authorized federal warrants and orders in the Western District of Washington. Additionally, I have testified in grand jury proceedings, written investigative reports, and conducted and participated in numerous interviews of drug traffickers of various roles within drug organizations, which has provided me with a greater understanding of the methods by which drug trafficking organizations operate.

14. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and pen-trap, and therefore does not set forth all of my knowledge about this matter.

15. Based on the facts set forth in this affidavit, there is probable cause to believe that distribution of controlled substances, in violation of 21 U.S.C. § 841(a) (1), and conspiracy to commit that same offense in violation of 21 U.S.C. § 846, have been committed, are being committed, and will be committed by Franklin LICONA or unknown persons. There is also probable cause to believe that the location information described in Attachment B will constitute evidence of these criminal violations, and will lead to the identification of individuals who are engaged in the commission of these offenses.

### PROBABLE CAUSE

16. The United States, including the DEA, is conducting a criminal investigation of Franklin LICONA-RIVERA (hereafter “LICONA”) and associates regarding possible violations of 21 U.S.C. §§ 841(a)(1) and 846.

1           17.     DEA Group D-22 has been investigating LICONA and his associates since  
2     September 2019. During this time, DEA Group D-22 has made controlled purchases of  
3     methamphetamine from LICONA and controlled purchases of heroin that LICONA  
4     facilitated. The most recent example of such a transaction is described below.

5           18.     In March 2020, I directed CS3<sup>1</sup> to meet LICONA at the barbershop where  
6     LICONA works with the intention of gaining LICONA's trust so CS3 could purchase  
7     cocaine from LICONA.

8           19.     On March 12, 2020, CS3 met with LICONA at the barbershop, LICONA  
9     was closing up the shop at the end of the day and gave CS3 a cell number of **206-825-**  
10    **0829 (TT3B)** to call and make an appointment for a haircut. This meeting was  
11    monitoring and recorded by DEA Group D-22.

12          20.     On March 14, 2020, CS3 called LICONA using 206-825-0829 (**TT3B**) and  
13    made an appointment. CS3 went to the barbershop and during his appointment asked  
14    LICONA about possible cocaine sales. LICONA told CS3 that he doesn't know about  
15    that but will get a number to CS3 that could possibly find some cocaine. This meeting  
16    was not monitored, CS3 informed me of the conversation after it occurred.

17          21.     On March 20, 2020, CS3 called LICONA on 206-825-0829 (**TT3B**), and  
18    asked for the number he/she could use to purchase cocaine. LICONA answered and  
19    asked CS3 how much they were looking for and for when. CS3 informed LICONA they  
20    would like a "sample" first and based on that they would order more. CS3 informed me  
21    of this conversation and I advised them we would set up a controlled meeting in a few  
22    days. Based on my training and experience, I know that a "sample" refers to a narcotics  
23    dealer giving a sample of a controlled substance to a customer to test for quality.

24  
25                   

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26           <sup>1</sup> CS3 has a felony conviction for narcotics and a gross misdemeanor conviction for DUI physical  
27    control. CS3 is familiar with cocaine, its packaging, and how it is trafficked. To my knowledge,  
28    CS3 has never given me false information and the information he/she has provided has proved to  
  be true, some examples of which are outlined herein. CS3 is working with law enforcement for  
  monetary gain. CS3 lives in this community and therefore, wishes to remain anonymous for fear  
  of reprisals and retribution.



1           22. On March 24, 2020, I directed CS3 to contact LICONA using 206-825-  
2 0829 (**TT3B**) to arrange a time to obtain the sample. CS3 informed me that LICONA  
3 was available to meet the following day.

4           23. On March 25, 2020, DEA Group D-22, conducted a controlled meeting  
5 with LICONA using CS3. CS3 had a recording device on their person and this was being  
6 monitoring by DEA Group Supervisor Dan Olson. GS Olson is fluent in Spanish.

7           24. At approximately 1:00PM, CS3 met with me and TFO Afalava at a pre-  
8 determined location. CS3 and their vehicle were searched for narcotics, paraphernalia  
9 and money, none were located. I checked CS3's cell phone and verified the number they  
10 were contacting LICONA on was 206-825-0829 (**TT3B**). CS3 called LICONA at this  
11 time and LICONA did not answer. At approximately 1:20PM, LICONA texted an  
12 address of 13602 Ambaum Blvd SW, which is a food market called La Canasta, and said  
13 he was about thirty minutes away.

14           25. CS3 was followed to 13602 Ambaum Blvd SW, CS3 did not stop or contact  
15 anyone while in route. CS3 parked on the south side of the food market. GS Olson had  
16 CS3 under observation and we also had DEA helicopter with SA Parker as the spotter  
17 observing the meet.

18           26. At approximately 2:06PM, CS3 called LICONA on 206-825-0829 (**TT3B**),  
19 LICONA informed CS3 he was ten minutes away. GS Olson monitored this call via the  
20 recording device.

21           27. At approximately 2:23PM, GS Olson observed a red BMW sedan arrive  
22 and park close to CS3. SA Parker observed the driver of the red BMW exit the driver's  
23 seat and go to the trunk of the BMW and remove some kind of bag and return to the  
24 driver's seat. During this observation GS Olson could hear CS3 and LICONA describing  
25 each other's vehicles over the phone. GS Olson positively identified the driver of the red  
26 BMW as LICONA. GS Olson had observed previous narcotics deals with LICONA and  
27 is familiar with his appearance.

28           28. SA Parker observed CS3 exit their vehicle and enter the rear seats of the red  
BMW. CS3 was in the red BMW for approximately one minute and SA Parker observed

1 CS3 return to their vehicle. CS3 then drove to a pre-determined location to meet myself  
2 and TFO Afalava. CS3 did not stop and contact anyone while in route to this location.

3 29. As CS3 left the area, the red BMW left southbound. TFO Linehan  
4 followed for a short distance and observed a Washington State license plate of BTS3430  
5 on the red BMW (**TV3B**). This vehicle is registered to a red 2001 BMW 330, to Brayan  
6 Herrera Hernandez at 608 S 152<sup>nd</sup> St, Apt E3, Burien, WA.

7 30. SA Parker followed **TV3B** to a house located at 16840 Military Road S,  
8 SeaTac. Surveillance was terminated at this time.

9 31. Once at the pre-determined meeting location, CS3 relinquished a clear  
10 plastic wrapping containing a small white rock to me which, based on my training and  
11 experience, I recognized as cocaine. I searched CS3 and their vehicle for narcotics,  
12 paraphernalia and money, none were located.

13 32. CS3 informed me that the driver of **TV3B** was LICONA and the passenger  
14 was an unknown younger Hispanic male. CS3 stated that once in the vehicle LICONA  
15 offered CS3 a sample of one pound of cocaine which he showed CS3. CS3 told  
16 LICONA that they just want a small sample to try and then would discuss future deals.  
17 LICONA gave CS3 the plastic wrapper that was relinquished to me and gave CS3 the  
18 price of \$32,000 for a kilo of cocaine. LICONA told CS3 that he doesn't want to sell  
19 smaller than a quarter of a kilo at a time. CS3 took the sample and left.

20 33. I took the sample to Tukwila Police Department, I field tested the sample  
21 and received a positive result for the presence of cocaine. The sample weighed 0.6 grams  
22 without packaging. The cocaine was packaged and placed into Tukwila evidence under  
23 TPD case number 2020-00969, item 28.

24 34. Previously, during court-authorized GPS tracking of TV1, I observed the  
25 vehicle spending some nights at an apartment complex in Burien. This apartment  
26 complex is called Windsor Court Apartments and is located at 219 S 156<sup>th</sup> Street, Burien,  
27 WA. On March 26, 2020, I checked this apartment complex and located **TV3B** parked at  
28 the south end of the complex in public parking spaces. The parking lot is open to the  
public and not secured.



**INFORMATION REGARDING CELL PHONES**

35. Based on my training and experience, I know each cellular device has one or more unique identifiers embedded inside it. Depending on the cellular network and the device, the embedded unique identifiers for a cellular device could take several different forms, including an Electronic Serial Number (“ESN”), a Mobile Electronic Identity Number (“MEIN”), a Mobile Identification Number (“MIN”), a Subscriber Identity Module (“SIM”), a Mobile Subscriber Integrated Services Digital Network Number (“MSISDN”), an International Mobile Subscriber Identifier (“IMSI”), or an International Mobile Equipment Identity (“IMEI”). The unique identifiers -- as transmitted from a cellular device to a cellular antenna or tower -- can be recorded by pen-traps and indicate the identity of the cellular device making the communication without revealing the communication’s content.

36. Based on my training and experience, I know that when a cell phone connects to a cellular antenna or tower, it reveals its embedded unique identifiers to the cellular antenna or tower, and the cellular antenna or tower records those identifiers as a matter of course. The unique identifiers -- as transmitted from a cell phone to a cellular antenna or tower -- are like the telephone number of an incoming call. They can be recorded by pen-trap devices and indicate the identity of the cell phone device making the communication without revealing the communication’s content. In addition, a list of incoming and outgoing telephone numbers is generated when a cell phone is used to make or receive calls, or to send or receive text messages (which may include photographs, videos, and other data). These telephone numbers can be recorded by pen-trap devices and then used to identify the parties to a communication without revealing the communication’s contents.

37. Based my training and experience, I know that a cell phone can also be used to exchange text messages with email accounts. The email addresses associated with those text messages can be recorded by pen-trap devices and then used to identify parties to a communication without revealing the communication’s contents.

1           38. Based on my training and experience, I know that cellular phones can  
2 connect to the internet via a cellular network. When connecting through a cellular  
3 network, internet communications sent and received by the cellular phone each contain  
4 the same unique identifier that identifies cellular voice communications, such as an ESN,  
5 MEIN, MIN, SIM, IMSI, MSISDN, or IMEI. Internet communications from a cellular  
6 phone also contain the IP address associated with that cellular phone at the time of the  
7 communication. Each of these unique identifiers can be used to identify parties to a  
8 communication without revealing the communication's contents.

9           39. In my training and experience, I have learned that T-Mobile is a company  
10 that provides cellular telephone access to the general public. I also know that certain  
11 providers of cellular telephone service have technical capabilities that allow them to  
12 collect and generate information about the locations of the cellular telephones to which  
13 they provide service, including E-911 Phase II data (also known as GPS data or latitude-  
14 longitude data) and cell-site data (also known as "tower/face information" or cell  
15 tower/sector records). E-911 Phase II data provides relatively precise location  
16 information about the cellular telephone itself, either via GPS tracking technology built  
17 into the phone or by triangulating on the device's signal using data from several of the  
18 provider's cell towers. Cell-site data identifies the cell towers (i.e., antenna towers  
19 covering specific geographic areas) that received a radio signal from the cellular  
20 telephone and, in some cases, the "sector" (i.e., faces of the towers) to which the  
21 telephone connected. These towers are often a half-mile or more apart, even in urban  
22 areas, and can be 10 or more miles apart in rural areas. Furthermore, the tower closest to  
23 a wireless device does not necessarily serve every call made to or from that device.  
24 Accordingly, cell-site data is typically less precise than E-911 Phase II data.

25           40. Based on my training and experience, I know that T-Mobile can collect E-  
26 911 Phase II data about the location of the Target Cell Phone, including by initiating a  
27 signal to determine the location of the Target Cell Phone on T-Mobile's network or with  
28 such other reference points as may be reasonably available.

1           41. When using a cellular connection to receive or transmit data, a cellular  
2 phone typically utilizes a cell tower to make telephone calls, send or receive text  
3 messages, send or receive emails, surf the internet, carry out application initiated data  
4 transfers, among other things.

5           42. Based on my training and experience, I know that T-Mobile can collect  
6 cell-site data about the Target Cell Phone. Based on my training and experience, I know  
7 that for each communication (including data connections) a cellular device makes, its  
8 wireless service provider can typically determine: (1) the date and time of the  
9 communication; (2) the telephone numbers involved, if any; (3) the cell tower to which  
10 the customer connected at the beginning of the communication; (4) the cell tower to  
11 which the customer connected at the end of the communication; and (5) the duration of  
12 the communication. I also know that wireless providers such as T-Mobile typically  
13 collect and retain cell-site data pertaining to cellular devices to which they provide  
14 service in their normal course of business in order to use this information for various  
15 business-related purposes.

16           43. Different service providers use different systems, applications, and reports  
17 to collect or analyze cell site data. These systems, applications, and reports are referred  
18 to by a variety of names including, but not limited to real-time tool or "RTT" (Verizon),  
19 Periodic Location Updates or "PLU" (Verizon), per call measurement data or "PCMD"  
20 (Sprint), Network Event Location System or "NELOS" (AT&T), EVDO, ALULTE,  
21 Timing Advance, and TruCall. RTT data, for example, estimates the approximate  
22 distance of the cellular device from a cellular tower based upon the speed with which  
23 signals travel between the device and the tower. This information can be used to estimate  
24 an approximate location range that is more precise than typical cell-site data.

25           44. Based on my training and experience, I know that wireless providers such  
26 as T-Mobile typically collect and retain information about their subscribers in their  
27 normal course of business. This information can include basic personal information  
28 about the subscriber, such as name and address, and the method(s) of payment (such as  
credit card account number) provided by the subscriber to pay for wireless

1 communication service. I also know that wireless providers such as T-Mobile typically  
2 collect and retain information about their subscribers' use of the wireless service, such as  
3 records about calls or other communications sent or received by a particular device and  
4 other transactional records, in their normal course of business. In my training and  
5 experience, this information may constitute evidence of the crimes under investigation  
6 because the information can be used to identify the Target Cell Phone's user or users and  
7 may assist in the identification of co-conspirators and/or victims.

8 45. Modern cell phones allow users to switch their telephone numbers, use  
9 multiple telephone numbers on a single device, and transfer their telephone number to a  
10 different cell phone. These changes can be made with the assistance of the wireless  
11 provider or by taking actions such as changing the "SIM card" (short for "subscriber  
12 identity module card") of a cellphone. To provide for any such changes made to the  
13 Target Cell Phone, Attachment A specifies that the property to be searched includes:  
14 (i) any instrument to which the listed target telephone number was assigned within the  
15 last 30 days, and that now has been assigned a changed telephone number, (ii) any  
16 changed telephone number assigned to an instrument now bearing the same unique  
17 identifying number (such as an IMSI, ESN, MSID, or IMEI) as the telephone number  
18 listed above, or that was bearing the same unique identifying number as the telephone  
19 number listed above, at any point within the last 30 days, (iii) any changed unique  
20 identifying number subsequently assigned to the same telephone number, or (iv) any  
21 additional changed telephone number and/or unique identifying number, whether the  
22 changes occur consecutively or simultaneously, listed to the same subscriber and wireless  
23 telephone account number as the telephone numbers listed above, within the period of  
24 disclosure authorized by this warrant.

#### 25 **AUTHORIZATION REQUEST**

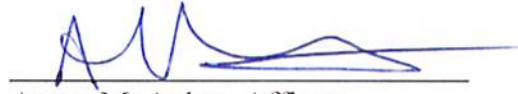
26 46. Based on the foregoing, I request that the Court issue the proposed search  
27 warrant and pen-trap order, pursuant to Federal Rule of Criminal Procedure 41, 18 U.S.C.  
28 § 2703(c), and 18 U.S.C. § 3123.

1           47. I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of  
2 Criminal Procedure 41(f)(3), that the Court authorize the officer executing the warrant to  
3 delay notice to the subscriber or user of the Target Cell Phone until 30 days after the  
4 collection authorized by the warrant has been completed. There is reasonable cause to  
5 believe that providing immediate notification of the warrant may have an adverse result,  
6 as defined in 18 U.S.C. § 2705. Providing immediate notice to the subscriber or user of  
7 the Target Cell Phone would seriously jeopardize the ongoing investigation, as such a  
8 disclosure would give that person an opportunity to destroy evidence, change patterns of  
9 behavior, notify confederates, and flee from prosecution. *See* 18 U.S.C. § 3103a(b)(1).  
10 As further specified in Attachment B, which is incorporated into the warrant, the  
11 proposed search warrant does not authorize the seizure of any tangible property. *See* 18  
12 U.S.C. § 3103a(b)(2). Moreover, to the extent that the warrant authorizes the seizure of  
13 any wire or electronic communication (as defined in 18 U.S.C. § 2510) or any stored wire  
14 or electronic information, there is reasonable necessity for the seizure for the reasons set  
15 forth above. *See* 18 U.S.C. § 3103a(b)(2).

16           48. I further request that the Court direct T-Mobile to disclose to the  
17 government any information described in Attachment B that is within the possession,  
18 custody, or control of T-Mobile. I also request that the Court direct T-Mobile to furnish  
19 the government all information, facilities, and technical assistance necessary to  
20 accomplish the collection of the information described in Attachment B unobtrusively  
21 and with a minimum of interference with T-Mobile's services, including by initiating a  
22 signal to determine the location of the Target Cell Phone on T-Mobile's network or with  
23 such other reference points as may be reasonably available, and at such intervals and  
24 times directed by the government. The agency shall reasonably compensate T-Mobile for  
25 reasonable expenses incurred in furnishing such facilities or assistance.

26           49. Pursuant to 18 U.S.C. § 2703(g), the government will execute this warrant  
27 by serving the warrant on T-Mobile. Because the warrant will be served on T-Mobile,  
28 who will then compile the requested records and data, reasonable cause exists to permit  
the execution of the requested warrant at any time in the day or night. I therefore request

1 that the Court authorize execution of the warrant at any time of day or night, owing to the  
2 potential need to locate the Target Cell Phone outside of daytime hours.

3  
4   
5 Aaron McAuley, Affiant  
6 Task Force Officer  
7 DEA

8 The above-named agent provided a sworn statement to the truth of the foregoing  
9 affidavit by telephone on 1<sup>st</sup> day of April 2020]

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11   
12 BRIAN A. TSUCHIDA  
13 United States Magistrate Judge  
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**EXHIBIT 1**

**DECLARATION**

I, Stephen Hobbs, declare as follows:

1. I am a duly appointed Assistant United States Attorney for the Western District of Washington, and I have primary responsibility for representing the interests of the United States herein.

2. I make this declaration in support of an application for a search warrant pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c)(1)(A) with an integrated pen-trap order pursuant to 18 U.S.C. §§ 3122 and 3123. Pursuant to 18 U.S.C. § 3122(a)(1), I am the applicant for purposes of the pen-trap portion of the requested warrant and order.

3. Pursuant to 18 U.S.C. § 3122(b), I certify that the DEA is the law enforcement agency conducting the investigation in this matter and that the information likely to be obtained from the requested warrant is relevant to an ongoing criminal investigation being conducted by that agency.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing Application is made on the basis of information officially furnished, and on that basis I verily believe such information to be true.

Executed this 1<sup>st</sup> day of April, 2020.

*s/ Stephen Hobbs*

Stephen Hobbs

Assistant United States Attorney

**ATTACHMENT A**

**Property to Be Searched and Subscriber/Subject Information**

1. Records and information associated with the cellular phone:

a. Target Telephone 3B (hereafter **TT3B**): a cellular telephone assigned call number **206-825-0829**, with service provider is T-Mobile, a wireless telephone service provider headquartered at T-Mobile USA Inc, 4 Sylvan Way, Parsippany, NJ, 07054. The subscriber/customer of the Target Cell Phone is unknown.

2. The property to be searched includes: (i) any instrument to which the listed target telephone number was assigned within the last 30 days, and that now has been assigned a changed telephone number, (ii) any changed telephone number assigned to an instrument now bearing the same unique identifying number (such as an IMSI, ESN, MSID, or IMEI) as the telephone number listed above, or that was bearing the same unique identifying number as the telephone number listed above, at any point within the last 30 days, (iii) any changed unique identifying number subsequently assigned to the same telephone number, or (iv) any additional changed telephone number and/or unique identifying number, whether the changes occur consecutively or simultaneously, listed to the same subscriber and wireless telephone account number as the telephone numbers listed above, within the period of disclosure authorized by this warrant.

3. In Attachment B, T-Mobile may be identified as the “Wireless Provider.”

## ATTACHMENT B

### Particular Things to be Seized

This warrant is issued pursuant to Rule 41 of the Federal Rules of Criminal Procedure, the Electronic Communications Privacy Act (ECPA), 18 U.S.C. §§ 2701-2713, and the Pen Register Act, 18 U.S.C. §§ 3121-3127. As such, this warrant authorizes the collection of subscriber records, pen-trap data, and cell site data information regarding the Target Cell Phone. **This warrant does not authorize the disclosure or seizure of any tangible property or the content of any wire or electronic communication, as defined in 18 U.S.C. § 2510(8).** Accordingly, the Court finds reasonable necessity for the seizure of the data and records identified below. *See* 18 U.S.C. § 3103a(b)(2).

#### **I. Section I: Information to be Disclosed by T-Mobile**

1. **Subscriber/Account Information.** The following non-content information about the customers or subscribers associated with the Account listed in Attachment A:

- a. Names (including subscriber names, user names, and screen names);
- b. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
- c. Local and long distance telephone connection records 60 days prior to April 1, 2020.
- d. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol (“IP”) addresses) associated with those sessions 60 days;
- e. Length of service (including start date) and types of service utilized;
- f. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers (“ESN”), Mobile Electronic Identity Numbers (“MEIN”), Mobile Equipment Identifiers (“MEID”), Mobile Identification Numbers (“MIN”), Subscriber Identity Modules (“SIM”), Mobile Subscriber Integrated Services Digital

1 Network Numbers (“MSISDN”), International Mobile Subscriber Identity Identifiers  
 2 (“IMSI”), or International Mobile Equipment Identities (“IMEI”);

3 g. Other subscriber numbers or identities (including the registration  
 4 Internet Protocol (“IP”) address); and

5 h. Means and source of payment for such service (including any credit  
 6 card or bank account number) and billing records.

7 **2. Pen Register/ Trap and Trace Data and Associated Subscriber Records**  
 8 **to Be Provided for a Period of [no more than 45 Days].**

9 a. That T-Mobile shall install and monitor pen-trap devices to record,  
 10 decode, and/or capture dialing, routing, addressing, and signaling information associated  
 11 with each communication to or from the Target Cell Phone including the date, time, and  
 12 duration of the communication, and the following, without geographic limit and without  
 13 notice to the subscriber:

14 (i) IP addresses associated with the cell phone device or devices used to send or  
 15 receive electronic communications;

16 (ii) Any unique identifiers associated with the cell phone device or devices used  
 17 to make and receive calls with the cell phone number described in  
 18 Attachment A, or to send or receive other electronic communications,  
 19 including the ESN, MEIN, IMSI, IMEI, SIM, MSISDN, or MIN;

20 (iii) IP addresses of any websites or other servers to which the cell phone device  
 21 or devices connected; and

22 (iv) Source and destination telephone numbers and email addresses.

23 b. On a 24-hour-a-day basis, for the duration of the authorized pen-trap  
 24 devices, T-Mobile shall provide the following records for those subscribers whose  
 25 identifiers are obtained pursuant to the use of the pen-trap devices: published or non-  
 26 published subscriber names and addresses, including billing addresses.

3. **Historical Cell Site Location Information.**

a. All records and other information (**not including the contents of communications**) relating to wire and electronic communications sent or received by the Account from April 1, 2020, to date of execution of warrant including:

i. the date and time of the communication, the method of the communication, and the source and destination of the communication (such as the source and destination telephone numbers (call detail records), email addresses, and IP addresses); and

ii. historical cell site information regarding the cell tower and antenna face (also known as “sectors”) through which the communications were sent and received. This information is to be provided irrespective of the application, name, or report utilized by the T-Mobile. Accordingly, this information includes the following data sets to the extent that they are collected by the T-Mobile: RTT, PLU, PCMD, NELOS, EVDO, TruCall, ALULTE, and Timing Advance.

b. The physical address and coverage maps of cell towers used by the Target Cell Phone.

1. **Prospective Cell Site Location Information.**

a. All information about the location of the Target Cell Phone described in Attachment A for **a period of 45 days**, during all times of day and night. This information includes: precise location information, as well as all data about which “cell towers” (i.e., antenna towers covering specific geographic areas) and “sectors” (i.e., faces of the towers) received a radio signal from the cellular telephone(s) or account(s) described in Attachment A.

b. The physical address and coverage maps of cell towers used by the Target Cell Phone.

2. **Prospective E-911/GPS and Cell Site Triangulation Information.**

a. All information about the location of the Target Cell Phone

described in Attachment A for **a period of 45 days**, during all times of day and night. This information includes: all available E-911 Phase II data, GPS data, latitude-longitude data, and other precise location information, as well as all data about which “cell towers” (i.e., antenna towers covering specific geographic areas) and “sectors” (i.e., faces of the towers) received a radio signal from the cellular telephone(s) or account(s) described in Attachment A.

b. The physical address and coverage maps of cell towers used by the Target Cell Phone.

To the extent that the location information described in the previous paragraphs (hereinafter, “Location Information”) is within the possession, custody, or control of T-Mobile, T-Mobile is required to disclose the Location Information to the government pursuant to this warrant. In addition, pursuant to 18 U.S.C. §§ 3123(b)(2) and 3124(a)-(b), T-Mobile must furnish the government all information, facilities, and technical assistance necessary to accomplish the collection of the Location Information unobtrusively and with a minimum of interference with T-Mobile’s services. The government shall compensate T-Mobile for reasonable expenses incurred in furnishing such facilities or assistance.

## **II. Section II: Information to Be Seized by the Government**

All information described above in Section I that constitutes evidence of violations of Distribution of Controlled Substances, in violation of 21 U.S.C. § 841(a) (1), and/or conspiracy to commit that same offense in violation of 21 U.S.C. § 846 involving Franklin LICONA or his associates known or unknown.

1. All non-content subscriber/account information provided pursuant to 18 U.S.C. § 2703(c).

2. All non-content dialing, routing, addressing, and signaling information provided pursuant to 18 U.S.C. §§ 3121-3127.



1           3.       Location Information regarding the Target Cell Phone.

2           Law enforcement personnel (who may include, in addition to law enforcement  
3 officers and agents, attorneys for the government, attorney support staff, agency  
4 personnel assisting the government in this investigation, and outside technical experts  
5 under government control) are authorized to review the records produced by the T-  
6 Mobile in order to locate the things particularly described in this Warrant.